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Sam S. Leslie

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION**

In re

JEFFERSON HOWARD HITCHCOCK,

Debtor.

SAM S. LESLIE, as Chapter 7 Trustee of the Estate
of Jefferson Howard Hitchcock,

Plaintiff,

v.

ROBERT NOVINGER, an individual, C1R
DISTRIBUTIONS, LLC, a California limited
liability company, C1R, INC., a California
corporation, RASCAL VIDEO, LLC, a California
limited liability company

Defendants.

Case No.: 2:15-bk-16468-RK

[Chapter 7]

[Honorable Robert N. Kwan]

Adv. No.: 2:17-ap-01246-RK

**STIPULATION BETWEEN PLAINTIFF,
SAM S. LESLIE, AND DEFENDANTS TO
DISMISS ADVERSARY PROCEEDING
WITH PREJUDICE**

This Stipulation between Plaintiff Sam S. Leslie, and Defendants to Dismiss Adversary Proceeding with Prejudice, is made by and between Plaintiff, Sam S. Leslie, ("Plaintiff"), on the one hand, and the Defendants, Robert Novinger, C1R Distributions, LLC, C1R, Inc., and Rascal Video, LLC (collectively the "Defendants"), on the other hand, with reference to the following facts:

1 A. The Plaintiff filed a complaint to commence the above-captioned adversary
2 proceeding on April 24, 2017. ("Adversary Proceeding")

3 B. The Defendants filed a motion to dismiss the complaint on May 26, 2017. ("Motion to
4 Dismiss")

5 C. On July 11, 2017, the Court granted the Motion to Dismiss, but gave Plaintiff 60 days
6 to amend.

7 D. In lieu of an amendment, the Trustee is opting to dismiss the Adversary Proceeding
8 with prejudice.

9 E. The Parties further agree to the following mutual release:

10
11 Mutual Release. Except for the Parties' rights and obligations created or preserved under this
12 Agreement, for and in consideration of the mutual promises and covenants contained herein,
13 and other good and valuable consideration, the receipt and sufficiency of which is hereby
14 acknowledged, the Parties for themselves and their respective employees, agents, legal
15 representatives, successors, assigns, heirs and beneficiaries, do hereby and forever release,
16 waive and discharge the Parties, and their respective employees, agents, legal representatives,
17 successors, assigns, heirs and beneficiaries of and from any and all claims, demands, actions,
18 causes of action, indemnity obligations, suits, debts, sums of money, promises or damages
19 whatsoever, in law or in equity, known or unknown, whether heretofore asserted or not,
20 related to the Adversary Proceeding or otherwise, as well as to any and all claims, causes of
21 action and damages as asserted in or which could have been asserted in the Adversary
22 Proceeding or otherwise.

23 Each Party expressly assumes the risk that after the execution and delivery of this Agreement
24 by such Party that such Party may discover facts that are different from those facts that such
25 Party believed to be in existence on the date of this Agreement. Any such discovery by any
26 Party shall not affect the validity or effectiveness of the release contained herein. Each Party
27 hereby expressly waives the benefit, if any, to such Party of Section 1542 of the *California*
28 *Civil Code*, which reads as follows:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR
DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME
OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE
MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR.

26 F. Each Party shall bear their own costs and expenses, including attorneys' fees, incurred
27 in the dispute between the Parties.
28

1 **NOW WHEREFORE**, the Parties stipulate and respectfully request that:

2
3 1. The Stipulation be approved and the Adversary Proceeding be dismissed with
4 prejudice.

5
6 Dated: August 18, 2017

7
8 
9 Robert Novinger

10 Dated: August 24, 2017

11
12 
13 Sam S. Leslie, Chapter 7 trustee and Plaintiff

14 Dated: August 18, 2017

15 CIR Distributions, LLC

16 
17 By: Robert Novinger, Managing Member

18 Dated: August 18, 2017

19 CIR, Inc.

20 
21 By: Robert Novinger, President

22 Dated: August 18, 2017

23 Rascal Video, LLC

24 
25 By: Robert Novinger, Managing Member
26
27
28

In re: JEFFERSON HOWARD HITCHCOCK Leslie v. Novinger Debtor(s).	CHAPTER: 7 CASE NUMBER: 2:15-bk-16468-RK ADV. CASE NUMBER: 2:17-ap-01246-RK
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 3435 Wilshire Blvd., Ste. 990, Los Angeles, CA 90010.

A true and correct copy of the foregoing document entitled (*specify*): **Stipulation Between Plaintiff, Sam S. Leslie, and Defendants to Dismiss Adversary Proceeding with Prejudice** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) **August 24, 2017**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Henry Glowa henry@henryglowa.com, henry@ecf.inforuptcy.com
Christian T Kim ckim@dumas-law.com, ckim@ecf.inforuptcy.com
Sam S Leslie (TR) sleslie@trusteeleslie.com, sleslie@ecf.epiqsystems.com; trustee@trusteeleslie.com
United States Trustee (LA) ustpreion16.la.ecf@usdoj.gov
S. Christopher Winter kw@winterlaw.us

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (date) **August 24, 2017**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Jefferson Howard Hitchcock
954 North Croft Avenue, #202
West Hollywood, CA 90069

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) **August 24, 2017**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

United States Bankruptcy Court
Honorable Robert N. Kwan
Edward R. Roybal Federal Building and Courthouse
255 E. Temple Street, Suite 1682 / Courtroom 1675
Los Angeles, CA 90012

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

August 24, 2017

Danielle M. Landeros

/s/ Danielle M. Landeros

Date

Printed Name

Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.